



09-270

CPA/633#

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

BOX CPA  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Attorney Docket No. 3339-239A  
(Of Prior Application)

First Named Inventor: Joel Sternheimer

Examiner Name: J. Martinell

Group/Art Unit: 1633

Express Mail Label No. EL 836092717 US

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/320,637 filed on May 26, 1999 entitled METHOD FOR THE REGULATION OF PROTEIN BIOSYNTHESIS.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

03/28/2001 AMNDAP1 00000100 09320637

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355. OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	12 - 20* =		x \$ 18 =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3** =		x \$80 =	
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))			+ \$270 =	
	BASIC FEE (37 C.F.R. 1.16)				710.00
	Total of above Calculations =				\$710.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				355.00
	* Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.				
	TOTAL =				\$ 355.00

☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.
- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
8. ☒ A check in the amount of \$355.00 is enclosed.
9. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
10. ☒ New Attorney Docket Number, if desired 33339/138407
11. ☒ Return Receipt Postcard (specifically itemized)  
☐ Receipt For Facsimile Transmitted CPA
12. ☒ Other:

In the event that extensions of time are not included with this communication in a separate paper and are necessary to allow the filing of this Continued Prosecution Application, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

**NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**

**13. NEW CORRESPONDENCE ADDRESS**

**Customer Number 000826**

**14. SIGNATURE OF ATTORNEY/AGENT**

NAME: Ernest B. Lipscomb, III

Registration No. 24,733

SIGNATURE: Ernest B. Lipscomb III

**Customer No. 000826**

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Date of Deposit: March 26, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box CPA, Commissioner for Patents, Washington, DC 20231.

Janet F. Moore  
Janet F. Moore